GOVERNMENT OF INDIA
PETROLEUM AND NATURAL GAS
LOK SABHA

UNSTARRED QUESTION NO:4587
ANSWERED ON:25.08.2005
REINSTATEMENT OF DISABLED EMPLOYEES .
Singh Shri Chandra Bhushan

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether the GAIL (India) Limited has terminated the services of some disabled employees;

(b) if so, the details alongwith the reasons therefor;

(c) whether some organizations of disabled people has demanded reinstatement of these disabled employees;

(d) if so, the details thereof; and

(e) the steps taken in this regard?

Answer

MINISTER OF PETROLEUM & NATURAL GAS & PANCHAYATI RAJ (SHRI MANI SHANKAR AIYAR)

(a) & (b): GAIL (India) Ltd. decided not to provide regular employment to four physically challenged persons who had undergone on-job training. The grounds advanced by GAIL for not directly offering them regular employment was that this is not provided for in section 34 of the Persons with Disabilities (Equal Opportunities, Potential Rights and Full Participation) Act, 1995. Although the persons concerned were advised to get their names registered with the special employment exchange so that they could be considered when requests were sought for several positions of physically handicapped persons from fifteen special employment exchanges, including the one at Delhi, the names of these four persons were not forwarded by any of the special employment exchanges. The affected persons then filed a Writ Petition (Civil) no.2117-2119/2004 before the Hon'ble High Court on the 9th February, 2004. While the Hon'ble High Court disposed of the writ petition, it granted relief to the petitioners, holding that even though their names had been sponsored by the special employment exchange, the company was not bound to strictly adhere to only those names sponsored by the employment exchange and could consider the petitioners after giving wide publicity to the recruitment drive so that all physically challenged persons could be considered for employment by the Government. In compliance with the directives of the Hon'ble High Court, the Company kept in abeyance the process of recruitment through special employment exchanges and issued fresh advertisements in leading newspapers and Employment News. In response to the newspaper advertisement, the company received approximately eight thousand applications, including those of three of the four physically challenged persons. Meanwhile, the affected individuals filed a review petition before the Hon'ble High Court which was dismissed on 6 December 2004. Although all four physically handicapped persons were shortlisted among 5032 applicants for the written test conducted on 3 October, 2004, none of the physically challenged persons concerned availed of the opportunity afforded them by the Hon'ble Delhi High Court. Thereafter, three of the physically handicapped persons filed a fresh writ petition before the Hon'ble Delhi High Court, which was disposed of on counsel for the petitioners withdrawing the petition when the writ petition came up for hearing on 27 October 2004. The petitioners then filed an appeal before the division bench of the Hon'ble High Court, Delhi which was dismissed on 13 December 2004. At about the same time, three of the physically handicapped persons approached the National Human Rights Commission which closed the case on 31 January 2005. Meanwhile, GAIL had sought the legal opinion of the Attorney General as well as their solicitors, both of whom held that there were no grounds in law for creating supernumerary posts to offer these persons employment in lieu of their participating with other applicants for selection.

(c) & (d): The Disabled Rights Group have sought the intervention of the Minister of Petroleum & Natural Gas, who has met the affected persons and the Convenor of the Group and explained the position to them.

(e): Discussions have been held between Government and the GAIL management to find a solution within the four corners of the law and rules relating thereto. It is now being examined, in consultation with the GAIL Board, whether compassionate grounds, compatible with the law and rules could be found to appoint or otherwise assist the physically challenged persons concerned.